

S/N 09/663,914

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Adelmo Monsalve-Gonzalez et al. Examiner: Lien Tran
Serial No.: 09/663,914 Group Art Unit: 1761
Filed: September 18, 2000 Docket: 869.027US1
Title: BLEACHED BRAN AND BRAN PRODUCTS AND METHODS OF
PREPARATION

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

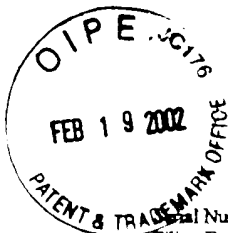
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In response to the Restriction Requirement mailed December 4, 2001, Applicant elects, with traverse, Group II (claims 21-27 and 31-37). If the restriction is continued, the claims of the non-elected invention, claims 1-20, 28-30 and 38-42 (Groups I and III) are hereby canceled without prejudice or disclaimer. However, Applicant reserves the right to reintroduce them in one or more continuation or divisional applications at a later date.

The restriction is traversed on the grounds that the search and examination of all of the claims of the present application and, in particular, the claims in Groups II and III, can be made without serious burden on the Office. As the Examiner has noted, all the claims in Groups II and III (i.e., claims 21-42) are drawn to bleached bran products. All products in these claims contain the bleached bran of the present invention and further are in the same class (426) and subclass (615).

Even if the Examiner believes the claims are directed to distinct or independent inventions, restriction requirements are optional in all cases. MPEP 803. Thus, the products in Applicant's proposed Groups II and III can be searched together without causing an undue burden on the Examiner. Furthermore, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. MPEP 803.

In light of the above, it is submitted that Applicant should not be required to incur additional costs associated with the filing of multiple divisional applications in order to obtain protection for the claimed subject matter. Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.



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The Examiner is invited to contact Applicant's Representatives at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

ADELMO MONSALVE-GONZALEZ ET AL.

By their Representatives,

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Date JAN. 4, 2002

By Barbara J. Clark
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 4th day of January, 2002.

Name Barbara J. Clark Signature Barbara J. Clark

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Docket No.: 869 027US1
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Examiner: Lien Tran

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Due Date: January 4, 2002
Group Art Unit: 1761

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Washington, D.C. 20231

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Response to Restriction Requirement (2 Pages).

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: Barbara J. Clark
Atty: Barbara J. Clark
Reg. No. 38,107

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